



Journal of the House

State of Indiana

115th General Assembly

First Regular Session

Thirty-first Meeting Day

Thursday Afternoon

March 15, 2007

The House convened at 1:30 p.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker stated, "Having conferred with the Attorney General and no objection raised, the temporary House policy while the prayer lawsuit is pending in the courts will be a scripted prayer."

The Speaker read a prayer for guidance and insight (printed January 8, 2007).

The Pledge of Allegiance to the Flag was led by Representative Chester A. Dobis.

The Speaker ordered the roll of the House to be called:

Austin	Gutwein
Avery	E. Harris
Bardon	T. Harris
Battles	Herrell
Behning	Hinkle
Bell	Hoy
Bischoff	Kersey
Borders	Klinker
Borror	Knollman
Bosma	Koch
C. Brown	Kuzman
T. Brown	L. Lawson
Buck	Lehe ☐
Buell	Leonard
Burton	Lutz
Candelaria Reardon	Mays
Cheatham	McClain
Cheney	Micon
Cherry	Moses
Cochran	Murphy
Crawford	Neese
Crooks	Niezgodski
Crouch	Noe
Davis	Orentlicher
Day	Oxley
Dembowski	Pelath
Denbo	Pflum
Dermody	Pierce
Dickinson	Pond
Dobis	Porter
Dodge	Reske
Duncan	Richardson ☐
Dvorak	Ripley
Eberhart	Robertson
Elrod	Ruppel
Espich	Saunders
Foley	M. Smith
Friend	V. Smith
Frizzell	Soliday
Fry	Stemler
GiaQuinta	Stevenson
Goodin	Stilwell
Grubb	Stutzman

Summers
Thomas
Thompson
Tincher
Torr
Turner
Tyler

Ulmer
VanHaaften
Walorski
Welch
Whetstone
Wolkins
Mr. Speaker

Roll Call 357: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, March 19, 2007, at 1:00 p.m.

CHENEY

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1037 and 1075 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1381 and 1456 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 27, 28, and 29 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 56 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Resolution 32

Representative Cochran introduced House Resolution 32:

A HOUSE RESOLUTION honoring Betty Hoffman.

Whereas, Betty Hoffman has been a loyal and faithful employee of Bruce Fox, Inc., for 50 years;

Whereas, Betty Hoffman is held in high esteem by her fellow workers who recognize that she is the epitome of service to her customers;

Whereas, Betty Hoffman is truly a compassionate person whose positive attitude affects everyone around her;

Whereas, One of the most valuable assets of any company is its employees, and Betty Hoffman has proven herself to be invaluable for the last 50 years; and

Whereas, Betty Hoffman has served Bruce Fox, Inc., and its customers loyally and with extreme competence for 50 years: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes Betty Hoffman for her loyalty and dedication to Bruce Fox, Inc., for 50 years. She is an outstanding example of the excellent work ethic that Hoosiers have displayed throughout the history of our state.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Betty Hoffman.

The resolution was read a first time and adopted by voice vote.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Engrossed Senate Bill 38, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 40 through 42, begin a new paragraph and insert:

"SECTION 5. IC 16-32-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The committee shall do the following:

(1) Request from any agency of the state or any unit of local government information concerning product specification and service requirements to enable the committee to carry out the intent of this chapter. The requested information shall be furnished to the executive secretary of the committee.

(2) Meet as often as necessary to carry out the purposes of this chapter. However, the committee shall meet at least quarterly.

(3) Request from each participating qualified nonprofit agency for persons with severe disabilities a quarterly report that describes **employment data and** the volume of sales for each product or service sold under this chapter. **These reports shall be made available to the Indiana department of administration.**

(4) Establish the price for all products and services provided by persons with severe disabilities and offered for sale to state agencies and units of local government under IC 5-22-13 that the committee determines are suitable for use. The price fixed must recover for the qualified nonprofit agency for persons with severe disabilities the cost of raw materials, labor, overhead, and delivery cost. The committee shall periodically revise the prices in accordance with changing cost factors and adopt necessary rules regarding specifications, time of delivery, and fair market price.

(5) Approve and prepare a publication that lists all products and services available from any qualified nonprofit agency for persons with severe disabilities that the committee determines are suitable for procurement. The procurement

list and revisions of the procurement list shall be distributed to all purchasing officers of state agencies and units of local government for purchase under IC 5-22-13.

(6) Encourage diversity in products and services provided by qualified nonprofit agencies for persons with severe disabilities and discourage unnecessary duplication or competition between facilities.

(7) Update the state use catalog not less than every ninety (90) days starting January 1 of each year. The web based electronic version shall be considered the catalog of record."

Renumber all SECTIONS consecutively.

(Reference is to SB 38 as printed February 9, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 43, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 14, delete "child" and insert "**dependent**".

Page 2, line 19, delete "the child" and insert "**a dependent**". (Reference is to SB 43 as printed January 19, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

HOY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Energy and Utilities, to which was referred Engrossed Senate Bill 96, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

CROOKS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 108, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

DEMBOWSKI, Vice Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 150, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 163, has had the same under consideration and begs leave to report the same back

to the House with the recommendation that said bill do pass.
Committee Vote: yeas 11, nays 0.

AUSTIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 165, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, after line 4, begin a new paragraph and insert:

"SECTION 2. IC 6-3-1-26-26 IS REPEALED [EFFECTIVE JULY 1, 2007]."

Re-number all SECTIONS consecutively.

(Reference is to ESB 165 as printed March 1, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 19, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred Engrossed Senate Bill 166, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

CHENEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Engrossed Senate Bill 185, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

TINCHER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 211, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 18, nays 1.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 247, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-49.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 49.5. "Electronic traffic ticket", for purposes of IC 9-30-3, has the meaning set forth in IC 9-30-3-2.5.**"

Page 1, after line 10, begin a new paragraph and insert:

"SECTION 3. IC 9-30-3-2.5 IS ADDED TO THE INDIANA

CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.5. (a) As used in this chapter, "electronic traffic ticket" means:**

(1) a traffic information and summons; or

(2) a complaint and summons;

for traffic cases that is in an electronic format prescribed by the division of state court administration.

(b) An electronic traffic ticket may be referred to as an "e-citation".

SECTION 4. IC 9-30-3-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.3. In prescribing the contents of an electronic traffic ticket, the division of state court administration shall require the inclusion in an electronic traffic ticket of the contents required in an information and summons under section 6 of this chapter. The division of state court administration may modify the prescribed contents of an electronic traffic ticket as necessary for the ticket to be in an electronic format.**

SECTION 5. IC 9-30-3-5.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.7. (a) When a law enforcement officer issues an electronic traffic ticket, the law enforcement officer:**

(1) may print the electronic traffic ticket at the site of the traffic violation; and

(2) shall inform the individual to whom the electronic traffic ticket has been issued and note on the electronic traffic ticket whether the individual must appear in court on a specific date at a specific time.

(b) An electronic traffic ticket issued under this chapter that bears a printed or digital signature of:

(1) the law enforcement officer who issued the electronic traffic ticket; and

(2) the prosecuting attorney, or a representative of the office of the prosecuting attorney, of the county in which the electronic traffic ticket was issued;

is admissible in a court proceeding as if the signatures referred to in subdivisions (1) and (2) were original signatures.

(c) A law enforcement officer who issues an electronic traffic ticket may transmit the electronic traffic ticket to the court electronically if the court and the electronic traffic ticket are in compliance with the administrative rules adopted by the supreme court.

(d) A law enforcement officer who issues an electronic traffic ticket shall indicate on the electronic traffic ticket whether the law enforcement officer served the person receiving the electronic traffic ticket.

(e) The electronic transmission of an electronic traffic ticket shall be considered by the court as an original certified copy of the traffic information and summons or complaint and summons. An electronic traffic ticket may be used:

(1) to notify the bureau of an Indiana resident who fails to:

(A) appear; or

(B) answer a traffic information and summons or complaint and summons;

(2) to notify the bureau of a defendant who is not an Indiana resident and who fails to:

(A) appear; or

(B) answer a traffic information and summons;

(3) to notify the bureau upon a final determination of a defendant's failure to appear; or

(4) as a record of a traffic case that an individual has been charged with a traffic offense when:

(A) the individual has been convicted;

(B) a judgment has been entered; or

(C) a finding has been made by a court.

SECTION 6. IC 9-30-3-6 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) **This section does not apply to electronic traffic tickets.**

(b) In traffic cases, the information and summons shall be in substantially the following form:

In the _____ Court of _____ County

Cause No. _____ Docket No. _____

Page No. _____

State of Indiana

SS: No. _____

County of _____

INFORMATION AND SUMMONS

The undersigned having probable cause to believe and being duly sworn upon his oath says that:

On the _____ Day of _____, 20 ____ at ____ M
Name _____

Last First Middle

Street _____

City _____ State _____ Zip Code _____

Race ____ Sex ____ Age ____ D.O.B. ____ HT ____ WT ____

Oper. Lic. # _____ St. _____ Did Unlawfully _____

Operate Veh. Color _____ Veh. Yr. ____ Veh. Make _____

Veh. Lic. Yr. ____ Veh. Lic. St. ____ Veh. Lic. # _____

Upon, (Location) _____

A PUBLIC STREET OR HIGHWAY IN _____
COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:

CONTRARY TO THE FORM OF THE () STATE STATUTE
() LOCAL ORDINANCE IN SUCH CASE MADE AND
PROVIDED.

OFFICER'S SIGNATURE _____

I.D. No. _____ Div. Dist. _____

POLICE AGENCY _____

Subscribed And Sworn to Before Me

(Deputy Clerk) _____

This _____ Day of _____, 20 ____

COURT APPEARANCE

I PROMISE TO APPEAR IN COURTROOM

ADDRESS: _____

ON _____ THE _____ DAY OF _____, 20 ____
AT ____ M. OR BE SUBJECT TO ARREST.

SIGNATURE _____

"YOUR SIGNATURE IS NOT AN ADMISSION OF GUILT"

The information and summons shall consist of four (4) parts:

(1) the original copy, printed on white paper, which shall be the abstract of court record for the Indiana bureau of motor vehicles;

(2) the court copy, printed on white paper;

(3) the police record, which shall be a copy of the information, printed on pink paper; and

(4) the summons copy, printed on white stock.

The reverse sides of the information and abstract of court record shall be substantially as follows, with such additions or deletions as are necessary to adapt the form to the court involved:

RECEIPT # _____

DATE _____

COURT ACTION AND OTHER ORDERS

BAIL \$ _____

REARREST BOND \$ _____ DATE _____

1. CONTINUANCE TO ____ 4. CONTINUANCE TO ____

2. CONTINUANCE TO ____ 5. CONTINUANCE TO ____

3. CONTINUANCE TO ____ 6. CONTINUANCE TO ____

Motions Date Ruling Date

1. ____ ____ ____ ____

2. ____ ____ ____ ____

3. ____ ____ ____ ____

4. ____ ____ ____ ____

PLEA () GUILTY

() NOT GUILTY

FINDING () GUILTY

() NOT GUILTY

THE COURT THEREFORE, ENTERS

THE FOLLOWING ORDER

FINE \$ _____ AMOUNT SUSP. \$ _____

(STATE) \$ _____

COSTS

(CITY) \$ _____

_____ DAYS IN _____ DAYS SUSP.

() RECOMMENDED LICENSE SUSPENDED FOR _____

() PROBATIONARY LICENSE AUTHORIZED FOR ONE
YEAR PROBATION

JUDGE: _____

DATE: _____

ATTORNEY FOR DEFENDANT _____

ADDRESS _____ TELEPHONE _____

WITNESSES

The notice, the appearance, the plea of either guilty or not guilty, and the waiver shall be printed on the summons. The trimmed size of the paper and stock on which the form is printed shall be nominally four and one quarter (4 1/4) inches by eight and one quarter (8 1/4) inches.

(b) (c) In civil traffic cases, the complaint and summons shall be in substantially the following form:

In the _____ Court of _____

County _____

Cause No. _____ Docket No. _____

Page No. _____

State of Indiana

SS: No. _____

County of _____

COMPLAINT AND SUMMONS

The undersigned having probable cause to believe and being duly sworn upon his oath says that:

On the _____ Day of _____, 20 ____ at ____ M

Name _____

Last First Middle

Street _____

City _____ State _____ Zip Code _____

Race ____ Sex ____ Age ____ D.O.B. ____ HT ____ WT ____

Oper. Lic. # _____ St. _____ Did

Unlawfully _____

Operate Veh. Color _____ Veh. Yr. ____ Veh. Make _____

Veh. Lic. Yr. ____ Veh. Lic. St. ____ Veh. Lic. # _____

Upon, (Location) _____

A PUBLIC STREET OR HIGHWAY IN _____
COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:

CONTRARY TO THE FORM OF THE () STATE STATUTE
() LOCAL ORDINANCE IN SUCH CASE MADE AND
PROVIDED.

OFFICER'S SIGNATURE _____

I.D. No. _____ Div. Dist. _____

POLICE AGENCY _____

Subscribed And Sworn to Before Me

(Deputy Clerk) _____

This _____ Day of _____, 20____

COURT APPEARANCE

I PROMISE TO APPEAR IN _____

COURTROOM _____

ADDRESS: _____

ON _____ THE _____ DAY OF _____, 20____

AT _____ M. OR BE SUBJECT TO ARREST.

SIGNATURE _____

"YOUR SIGNATURE IS NOT AN ADMISSION OF A VIOLATION"

The complaint and summons shall consist of four (4) parts:

- (1) the original copy, printed on white paper, which shall be the abstract of court record for the Indiana bureau of motor vehicles;
- (2) the court copy, printed on white paper;
- (3) the police record, which shall be a copy of the complaint, printed on pink paper; and
- (4) the summons copy, printed on white stock.

The reverse sides of the complaint and abstract of court record shall be substantially as follows, with such additions or deletions as are necessary to adapt the form to the court involved:

RECEIPT # _____

DATE _____

COURT ACTION AND OTHER ORDERS

BAIL \$ _____

REARREST BOND \$ _____ DATE _____

1. CONTINUANCE TO _____ 4. CONTINUANCE TO _____

2. CONTINUANCE TO _____ 5. CONTINUANCE TO _____

3. CONTINUANCE TO _____ 6. CONTINUANCE TO _____

Motions Date Ruling Date

1. _____

2. _____

3. _____

4. _____

PLEA () ADMIT

() DENY

() NOLO CONTENDERE

FINDING () JUDGMENT FOR PLAINTIFF

() JUDGMENT FOR DEFENDANT

THE COURT THEREFORE, ENTERS

THE FOLLOWING ORDER

FINE \$ _____ AMOUNT SUSP. \$ _____

(STATE) \$ _____

COSTS

(CITY) \$ _____

() RECOMMENDED LICENSE SUSPENDED FOR _____

() PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR PROBATION

JUDGE: _____

DATE: _____

ATTORNEY FOR DEFENDANT _____

ADDRESS _____ TELEPHONE _____

WITNESSES

The notice, appearance, plea of either admission, denial, or nolo contendere shall be printed on the summons. The trimmed size of the paper and stock on which the form is printed shall be nominally four and one quarter (4 1/4) inches by eight and one quarter (8 1/4) inches.

(c) (d) The complaint form shall be used in traffic cases, whether the charge is made by a law enforcement officer or by any other person.

(d) (e) Each judicial officer or police authority issuing traffic complaints and summons:

(1) is responsible for the disposition of all the traffic complaints and summons issued under the authority of the officer or authority; and

(2) shall prepare and submit the records and reports relating to the traffic complaints in the manner and at the time prescribed by both the state examiner of the state board of accounts and the bureau.

SECTION 7. IC 9-30-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The court may issue a warrant for the arrest of a defendant who is an Indiana resident and who fails to appear or answer a traffic information and summons or a complaint and summons served upon the defendant. If the warrant is not executed within thirty (30) days after issue, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau indicating that the defendant failed to appear in court as ordered. The court shall then mark the case as failure to appear on the court's records.

(b) If a defendant who is not an Indiana resident fails to appear or answer a traffic summons served upon the defendant and upon which the information or complaint has been filed thirty (30) days after the return date of the information and summons or complaint and summons, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau. The bureau shall notify the motor vehicle commission of the state of the nonresident defendant of the defendant's failure to appear and also of any action taken by the bureau relative to the Indiana driving privileges of the defendant. If the defendant fails to appear or otherwise answer within thirty (30) days, the court shall mark the case as failure to appear on the court's records.

(c) If the bureau receives a copy of the traffic information and summons or complaint and summons for failure to appear in court **either on a form prescribed by the bureau or in an electronic format prescribed by the division of state court administration**, the bureau shall suspend the driving privileges of the defendant until the defendant appears in court and the case has been disposed of. The order of suspension may be served upon the defendant by mailing the order by first class mail to the defendant at the last address shown for the defendant in the records of the bureau. The order takes effect on the date the order is mailed.

(d) For nonresidents of Indiana, the order of suspension shall be mailed to the defendant at the address given to the arresting officer by the defendant as shown by the traffic information or complaint. The order takes effect on the date of mailing. A copy of the order shall also be sent to the motor vehicle bureau of the state of the nonresident defendant. If:

(1) the defendant's failure to appear in court has been certified to the bureau under this chapter; and

(2) the defendant subsequently appears in court to answer the charges against the defendant;

the court shall proceed to hear and determine the case in the same manner as other cases pending in the court. Upon final determination of the case, the court shall notify the bureau of the determination **either in an electronic format or** upon forms prescribed by the bureau. The notification shall be made by the court within ten (10) days after the final determination of the case, and **information from** the original copy of the traffic information and summons or complaint and summons must accompany the notification.

SECTION 8. IC 9-30-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Before accepting a plea of guilty to a misdemeanor traffic offense, the court shall inform the defendant of the defendant's rights, including the right to:

- (1) engage counsel;
- (2) a reasonable continuance to engage counsel to subpoena witnesses;
- (3) have process issued by the court, without expense to the defendant, to compel the attendance of witnesses in the defendant's behalf;
- (4) testify or not to testify in the defendant's own behalf;
- (5) a trial by jury; and
- (6) appeal.

(b) The court shall inform each defendant charged with a traffic offense other than a nonmoving traffic offense, if the defendant is convicted or judgment is entered against the defendant, that a record of the conviction or judgment will be sent to the bureau or the motor vehicle bureau of the state where the defendant received a license to drive to become a part of the defendant's driving record.

(c) The court shall keep a full record of every case in which a person is charged with a traffic offense other than a nonmoving traffic offense. Within ten (10) days after the conviction, judgment, or forfeiture of security deposit of a person, the court shall forward a copy of the judgment **in an electronic format** or an abstract as prescribed by IC 9-25-6-8. The abstract comprises the original copy of the traffic information and summons or complaint and summons if the conviction, judgment, or forfeiture of security deposit has been entered on that copy. However, instead of the original copy, the court may, subject to the approval of the bureau, send the information **in an electronic format or** in the form of a chemical based, magnetic, or machine readable media. Records of nonmoving traffic offenses are not required to be forwarded to the bureau.

(d) One (1) year after the abstract has been forwarded, the court may destroy the remaining court copies of the information and summons or complaint and summons and related pleadings if an order book entry of the copy has been made and the original copy has been sent to the bureau of motor vehicles.

(e) Upon the failure of a court officer to comply with subsection (c), the officer is liable on the officer's official bond for a civil penalty of one hundred dollars (\$100) accruing to the state, which may be recovered, together with the costs of the suit, in a civil action brought by the attorney general in the name of the state on relation of the attorney general. Each failure by an officer constitutes a separate cause of action."

Renumber all SECTIONS consecutively.

(Reference is to SB 247 as reprinted February 14, 2007.) and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

AUSTIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Engrossed Senate Bill 254, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

V. SMITH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 271, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, after "(1)" insert "**An individual who possesses a health care power of attorney of the decedent.**"
(2)".

Page 1, line 7, strike "(2)" and insert "(3)".

Page 1, line 12, strike "(3)" and insert "(4)".

Page 1, line 16, strike "(4)" and insert "(5)".

Page 2, line 5, strike "(5)" and insert "(6)".

Page 2, line 9, strike "(4)" and insert "(5)".

Page 2, line 19, strike "(6)" and insert "(7)".

Page 2, line 20, strike "(5)," and insert "(6),".

Page 2, line 34, delete "likelihood" and insert "**suspicion**".

Page 2, line 40, delete "arrest of the person" and insert "**determination**".

Page 3, line 6, after "listed)" insert "**one (1) of**".

Page 3, line 10, after "(A)" insert "**An individual who possesses a health care power of attorney of the decedent. (B)**".

Page 3, line 12, delete "(B)" and insert "(C)".

Page 3, line 17, delete "(C)" and insert "(D)".

Page 3, line 21, delete "(D)" and insert "(E)".

Page 4, line 15, delete "likelihood" and insert "**suspicion**".

Page 4, line 21, delete "arrest of a person" and insert "**determination**".

Page 4, between lines 27 and 28, begin a new line block indented and insert:

"(1) An individual who possesses a health care power of attorney of the decedent."

Page 4, line 28, strike "(1)" and insert "(2)".

Page 4, line 30, strike "(2)" and insert "(3)".

Page 4, line 37, strike "(3)" and insert "(4)".

Page 4, line 42, delete "(4)" and insert "(5)".

Page 5, line 6, delete "(5)" and insert "(6)".

Page 5, line 10, delete "(4)" and insert "(5)".

Page 5, line 24, delete "likelihood" and insert "**suspicion**".

Page 5, line 31, delete "arrest" and insert "**determination**".

Page 6, line 15, delete "likelihood" and insert "**suspicion**".

Page 6, line 19, delete "arrest" and insert "**determination**".

Page 8, delete line 15 and insert "**coroner made the determination under IC 23-14-31-26(c)(2)**".

Page 8, line 16, delete "IC 23-14-31-26(c)(1)".

Page 8, line 20, delete "person has" and insert "**coroner made the determination under IC 23-14-55-2-(d)(2)**".

Page 8, line 21, delete "been arrested for a crime set forth in IC 23-14-55-2(d)(1)".

Page 8, line 25, delete "person has been arrested for a crime set forth in" and insert "**coroner made the determination under IC 30-2-13-23(b)(4)**".

Page 8, line 26, delete "IC 23-14-55-2(b)(3)".

(Reference is to SB 271 as printed February 9, 2007.) and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Energy and Utilities, to which was referred Engrossed Senate Bill 312, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

CROOKS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Engrossed Senate Bill 331, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 37, after "(b)(9)" insert ",".
 Page 2, line 37, strike "and".
 Page 2, line 37, after "(b)(10)" insert ",".
 Page 2, line 37, after "section" insert "**and (b)(11)**".
 (Reference is to SB 331 as printed February 7, 2007.)
 and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

TINCHER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 347, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 21, delete "may be present at a hearing described in" and insert "**other than the person who prepared the predispositional report may satisfy the requirements of**".

(Reference is to SB 347 as printed January 26, 2007.)
 and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

VAN HAAFTEN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred Engrossed Senate Bill 371, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 4.

CHENEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 408, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 41, strike "gifted and talented" and insert "**high ability**".

Page 5, line 6, after "grade" insert "**consistent with federal, state, local, and private funding sources**".

(Reference is to SB 408 as reprinted February 7, 2007.)
 and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Engrossed Senate Bill 435, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

TINCHER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 445, has had the

same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 19, delete "PRACTICED TO LICENSE" and insert "**LICENSED TO PRACTICE**".

Page 3, line 35, after "245a.1(l);" insert "**or**".

(Reference is to SB 445 as printed February 23, 2007.)
 and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

DEMBOWSKI, Vice Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 526, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 36, line 37, delete "2006]:" and insert "2007]:".

Page 95, line 12, strike "by" and insert "**be**".

Page 168, line 22, delete "(a)".

Page 175, line 40, delete "otherwise situated for the" and insert "**located**".

Page 175, line 41, delete "purpose of".

Page 175, line 41, delete "therein" and insert "**in the county**".

Page 195, line 38, delete "[EFFECTIVE UPON PASSAGE]:" and insert "[EFFECTIVE JULY 1, 2007]:".

Page 227, between lines 6 and 7, begin a new paragraph and insert:

"Sec. 9. The term of office of each member, except the student member, is three (3) years, beginning August 1 of the year of appointment and continuing until the member's successor is appointed and qualified. The term of office of the student member is two (2) years, beginning August 1 of the year of appointment and continuing until the member is no longer a student at an approved post secondary educational institution or until the member's successor is appointed and qualified. Vacancies shall be filled by the governor."

Page 231, line 6, beginning with "ARTICLE" begin a new paragraph.

Page 232, line 16, after ";" insert "**and**".

Page 237, line 14, delete "It" and insert "**The approved postsecondary educational institution**".

Page 277, line 13, delete "is" and insert "**are**".

Page 302, between lines 22 and 23, begin a new paragraph and insert:

"Sec. 3. The commission may sue and be sued in the name of the commission."

Page 311, line 23, delete "alumnus" and insert "**alumnus's**".

Page 318, line 16, delete "Submitting" and insert "**Submitting**".

Page 335, line 16, delete "A".

Page 359, line 40, delete "chapter s" and insert "**chapter**".

Page 365, line 22, after "clause" insert "**(A)**".

Page 367, line 32, delete "the".

Page 367, line 35, delete "higher education" and insert "**state educational**".

Page 384, line 32, after "(C)" insert "**perform actions under**".

Page 411, line 2, delete "**or**".

Page 411, line 5, after "(C)" insert "**for purposes of**".

Page 414, line 28, delete "to p" and insert "**to**".

Page 416, line 27, delete "IC 30-4-1-1(a)." and insert "**IC 30-4-1-1(a).**".

Page 432, line 24, delete "4.(a)" and insert "**4. (a)**".

Page 470, line 12, delete "fields." and insert "**fields; and**".

(Reference is to SB 526 as printed February 16, 2007.)

and when so amended that said bill do pass.
Committee Vote: yeas 12, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 568, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, after line 25, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 2007] (a) As used in this SECTION, "board" refers to the board of trustees of the fund.

(b) As used in this SECTION, "fund" refers to the public employees' retirement fund established by IC 5-10.3-2-1.

(c) This SECTION applies to an individual who:

- (1) was a state employee who, after November 24, 1996, and before July 1, 2006, was terminated from employment with the state;
- (2) was a member of the fund;
- (3) on the date of the individual's termination, had not attained vested status (as defined in IC 5-10.2-1-8) in the fund; and
- (4) on the date of the individual's termination, needed to earn not more than six (6) months of creditable service to attain vested status in the fund.

(d) An individual described in subsection (c) may elect to purchase up to twelve (12) months of service credit in the fund by filing a written notice on a form prescribed by the board.

(e) An individual who elects to purchase service credit under this SECTION must contribute to the fund as follows:

(1) Contributions that are equal to the product of the following:

- (A) The individual's salary at the time the individual was terminated from state employment.
- (B) A rate, determined by the actuary for the fund, that is based on the age of the individual at the time the individual actually makes a contribution for the service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased.
- (C) The number of months of service credit the individual intends to purchase.

(2) Contributions for any accrued interest, at a rate determined by the actuary for the fund, for the period from the individual's initial membership in the fund to the date payment is made by the individual.

(f) The following apply to the purchase of service credit under this SECTION:

- (1) The board may allow an individual to make periodic payments of the contributions required for the purchase of service credit. The board shall determine the length of the period during which the payments must be made.
- (2) The board may deny an election for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.
- (3) An individual may not claim the service credit for the purpose of computing benefits unless the individual has made all payments required for the purchase of the service credit.
- (4) To the extent permitted by the Internal Revenue Code and applicable regulations, an individual may purchase service credit under this SECTION by a

rollover distribution to the fund from any of the following:

(A) A qualified plan described in Section 401(a) or Section 403(b) of the Internal Revenue Code.

(B) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.

(C) An eligible plan that is maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or political subdivision of a state under Section 457(b) of the Internal Revenue Code.

(D) An individual retirement account or annuity described in Section 408(a) or Section 408(b) of the Internal Revenue Code.

(g) For the election described in subsection (d) to be effective and in addition to the contributions required under subsection (e), an individual who received a lump sum distribution from the fund under IC 5-10.2-3-6 must repay to the fund, in the manner and with interest at a rate determined by the board, the lump sum distribution received under IC 5-10.2-3-6.

(h) This SECTION expires July 1, 2012."

Renumber all SECTIONS consecutively.

(Reference is to SB 568 as printed February 16, 2007.)
and when so amended that said bill do pass.

Committee Vote: yeas 17, nays 0.

CRAWFORD, Chair

Report adopted.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 41

Representative Kuzman called down Engrossed Senate Bill 41 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 416

Representative Dembowski called down Engrossed Senate Bill 416 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 416-1)

Mr. Speaker: I move that Engrossed Senate Bill 416 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-12-2, AS AMENDED BY P.L.154-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as provided in section 17.8 of this chapter, a person who desires to claim the deduction provided by section 1 of this chapter must file a statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home not assessed as real property, or manufactured home not assessed as real property is located. With respect to real property, the statement must be filed during the twelve (12) months before June 11 of each year for which the person wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 31 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. In addition to the statement required by this subsection, a contract buyer who desires to claim the deduction must submit a copy of the recorded contract or

recorded memorandum of the contract, which must contain a legal description sufficient to meet the requirements of IC 6-1.1-5, with the first statement that the buyer files under this section with respect to a particular parcel of real property. Upon receipt of the statement and the recorded contract or recorded memorandum of the contract, the county auditor shall assign a separate description and identification number to the parcel of real property being sold under the contract.

(b) The statement referred to in subsection (a) must be verified under penalties for perjury, and the statement must contain the following information:

- (1) The balance of the person's mortgage or contract indebtedness on the assessment date of the year for which the deduction is claimed.
- (2) The assessed value of the real property, mobile home, or manufactured home.
- (3) The full name and complete residence address of the person and of the mortgagee or contract seller.
- (4) The name and residence of any assignee or bona fide owner or holder of the mortgage or contract, if known, and if not known, the person shall state that fact.
- (5) The record number and page where the mortgage, contract, or memorandum of the contract is recorded.
- (6) A brief description of the real property, mobile home, or manufactured home which is encumbered by the mortgage or sold under the contract.
- (7) If the person is not the sole legal or equitable owner of the real property, mobile home, or manufactured home, the exact share of the person's interest in it.
- (8) The name of any other county in which the person has applied for a deduction under this section and the amount of deduction claimed in that application.

(c) The authority for signing a deduction application filed under this section may not be delegated by the real property, mobile home, or manufactured home owner or contract buyer to any person except upon an executed power of attorney. The power of attorney may be contained in the recorded mortgage, contract, or memorandum of the contract, or in a separate instrument."

Page 1, line 14, delete "2" and insert "31".

Page 2, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 3. IC 6-1.1-12-12, AS AMENDED BY P.L.141-2006, SECTION 9, AS AMENDED BY P.L.145-2006, SECTION 16, AND AS AMENDED BY P.L.154-2006, SECTION 14, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Except as provided in section 17.8 of this chapter, a person who desires to claim the deduction provided in section 11 of this chapter must file an application, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home not assessed as real property, or manufactured home not assessed as real property is located. With respect to real property, the application must be filed during the twelve (12) months before ~~May~~ June 11 of each year for which the individual wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the application must be filed during the twelve (12) months before March ~~2~~ 31 of each year for which the individual wishes to obtain the deduction. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) Proof of blindness may be supported by:

- (1) the records of a county office of family and children, the division of family ~~and children~~ resources, or the division of disability ~~aging~~, and rehabilitative services; or
- (2) the written statement of a physician who is licensed by this state and skilled in the diseases of the eye or of a

licensed optometrist.

(c) The application required by this section must contain the record number and page where the contract or memorandum of the contract is recorded if the individual is buying the real property, mobile home, or manufactured home on a contract that provides that ~~the individual~~ is to pay property taxes on the real property, mobile home, or manufactured home.

SECTION 4. IC 6-1.1-12-15, AS AMENDED BY P.L.154-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) Except as provided in section 17.8 of this chapter, an individual who desires to claim the deduction provided by section 13 or section 14 of this chapter must file a statement with the auditor of the county in which the individual resides. With respect to real property, the statement must be filed during the twelve (12) months before June 11 of each year for which the individual wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March ~~2~~ 31 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement shall contain a sworn declaration that the individual is entitled to the deduction.

(b) In addition to the statement, the individual shall submit to the county auditor for the auditor's inspection:

- (1) a pension certificate, an award of compensation, or a disability compensation check issued by the United States Department of Veterans Affairs if the individual claims the deduction provided by section 13 of this chapter;
- (2) a pension certificate or an award of compensation issued by the United States Department of Veterans Affairs if the individual claims the deduction provided by section 14 of this chapter; or
- (3) the appropriate certificate of eligibility issued to the individual by the Indiana department of veterans' affairs if the individual claims the deduction provided by section 13 or 14 of this chapter.

(c) If the individual claiming the deduction is under guardianship, the guardian shall file the statement required by this section.

(d) If the individual claiming a deduction under section 13 or 14 of this chapter is buying real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property under a contract that provides that the individual is to pay property taxes for the real estate, mobile home, or manufactured home, the statement required by this section must contain the record number and page where the contract or memorandum of the contract is recorded.

SECTION 5. IC 6-1.1-12-17, AS AMENDED BY P.L.154-2006, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. Except as provided in section 17.8 of this chapter, a surviving spouse who desires to claim the deduction provided by section 16 of this chapter must file a statement with the auditor of the county in which the surviving spouse resides. With respect to real property, the statement must be filed during the twelve (12) months before June 11 of each year for which the surviving spouse wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March ~~2~~ 31 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement shall contain:

- (1) a sworn statement that the surviving spouse is entitled to the deduction; and

(2) the record number and page where the contract or memorandum of the contract is recorded, if the individual is buying the real property on a contract that provides that the individual is to pay property taxes on the real property. In addition to the statement, the surviving spouse shall submit to the county auditor for the auditor's inspection a letter or certificate from the United States Department of Veterans Affairs establishing the service of the deceased spouse in the military or naval forces of the United States before November 12, 1918.

SECTION 6. IC 6-1.1-12-17.5, AS AMENDED BY P.L.154-2006, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.5. (a) Except as provided in section 17.8 of this chapter, a veteran who desires to claim the deduction provided in section 17.4 of this chapter must file a sworn statement, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home, or manufactured home is assessed. With respect to real property, the veteran must file the statement during the twelve (12) months before June 11 of each year for which the veteran wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 231 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) The statement required under this section shall be in affidavit form or require verification under penalties of perjury. The statement shall be filed in duplicate if the veteran has, or is buying under a contract, real property in more than one (1) county or in more than one (1) taxing district in the same county. The statement shall contain:

- (1) a description and the assessed value of the real property, mobile home, or manufactured home;
- (2) the veteran's full name and complete residence address;
- (3) the record number and page where the contract or memorandum of the contract is recorded, if the individual is buying the real property, mobile home, or manufactured home on a contract that provides that the individual is to pay property taxes on the real property, mobile home, or manufactured home; and
- (4) any additional information which the department of local government finance may require."

Page 2, line 37, delete "2" and insert "31".

Page 3, line 14, delete "2" and insert "31".

Page 3, line 35, delete "2" and insert "31".

Page 5, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 10. IC 6-1.1-20.9-3, AS AMENDED BY P.L.154-2006, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) An individual who desires to claim the credit provided by section 2 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the homestead is located. The statement shall include the parcel number or key number of the real estate and the name of the city, town, or township in which the real estate is located. With respect to real property, the statement must be filed during the twelve (12) months before June 11 of the year prior to the first year for which the person wishes to obtain the credit for the homestead. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 231 of the first year for which the individual wishes to obtain the credit. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement applies for that first year and

any succeeding year for which the credit is allowed.

(b) The certified statement referred to in subsection (a) shall contain the name of any other county and township in which the individual owns or is buying real property.

(c) If an individual who is receiving the credit provided by this chapter changes the use of the individual's real property, so that part or all of that real property no longer qualifies for the homestead credit provided by this chapter, the individual must file a certified statement with the auditor of the county, notifying the auditor of the change of use within sixty (60) days after the date of that change. An individual who changes the use of the individual's real property and fails to file the statement required by this subsection is liable for the amount of the credit the individual was allowed under this chapter for that real property.

(d) An individual who receives the credit provided by section 2 of this chapter for property that is jointly held with another owner in a particular year and remains eligible for the credit in the following year is not required to file a statement to reapply for the credit following the removal of the joint owner if:

- (1) the individual is the sole owner of the property following the death of the individual's spouse;
- (2) the individual is the sole owner of the property following the death of a joint owner who was not the individual's spouse; or
- (3) the individual is awarded sole ownership of property in a divorce decree."

Page 5, line 2, after "(RETROACTIVE)]" insert "IC 6-1.1-12-2,".

Page 5, line 3, after "IC 6-1.1-12-10.1," insert "IC 6-1.1-12-12, IC 6-1.1-12-15, IC 6-1.1-12-17, IC 6-1.1-12-17.5,".

Page 5, line 3, delete "and".

Page 5, line 4, after "IC 6-1.1-12-35.5," insert "and IC 6-1.1-20.9-3,".

Renumber all SECTIONS consecutively.

(Reference is to ESB 416 as printed March 13, 2007.)

BATTLES

Motion prevailed.

HOUSE MOTION (Amendment 416-2)

Mr. Speaker: I move that Engrossed Senate Bill 416 be amended to read as follows:

Page 2, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 2. IC 6-1.1-12-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) Except as provided in subsection (c) and except as provided in section 40.5 of this chapter, an individual may have the sum of twelve thousand four hundred eighty dollars (\$12,480) deducted from the assessed value of the tangible property that the individual owns (or the real property, mobile home not assessed as real property, or manufactured home not assessed as real property that the individual is buying under a contract that provides that the individual is to pay property taxes on the real property, mobile home, or manufactured home if the contract or a memorandum of the contract is recorded in the county recorder's office) if:

- (1) the individual served in the military or naval forces of the United States for at least ninety (90) days;
- (2) the individual received an honorable discharge;
- (3) the individual either:
 - (A) is totally disabled; or
 - (B) is at least sixty-two (62) years old and has a disability of at least ten percent (10%); and
- (4) the individual's disability is evidenced by:
 - (A) a pension certificate or an award of compensation issued by the United States Department of Veterans Affairs; or

(B) a certificate of eligibility issued to the individual by the Indiana department of veterans' affairs after the Indiana department of veterans' affairs has determined that the individual's disability qualifies the individual to receive a deduction under this section.

(b) Except as provided in subsection (c), the surviving spouse of an individual may receive the deduction provided by this section if the individual would qualify for the deduction if the individual were alive.

(c) No one is entitled to the deduction provided by this section if the assessed value of the individual's tangible property, as shown by the tax duplicate, exceeds ~~one three hundred thirteen thousand dollars (\$113,000)~~: **(\$300,000)**.

(d) An individual who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section against that real property, mobile home, or manufactured home."

Page 5, between lines 5 and 6, begin a new paragraph and insert:

"SECTION. 7. [EFFECTIVE JULY 1, 2007] (a) **IC 6-1.1-12-14, as amended by this act, applies to property taxes first due and payable after December 31, 2006.**

(b) **Notwithstanding the filing deadlines set forth in IC 6-1.1-12-15, an individual who:**

(1) **was not entitled to claim a deduction for property taxes due and payable in 2007 under IC 6-1.1-12-14(c), as in effect on January 1, 2007; and**

(2) **is not prohibited from claiming a deduction by IC 6-1.1-12-14(c), as amended by this act;**

may claim a deduction under IC 6-1.1-12-14, as amended by this act, for taxes first due and payable in 2007. An individual may claim a deduction under this subsection by filing before July 1, 2007, the statement and information required by IC 6-1.1-12-15 with the auditor of the county in which the individual resides.

(c) A county auditor:

(1) **may apply the entire amount of a deduction claimed under subsection (b) equally to all installments of property taxes first due from the taxpayer in 2007; or**
 (2) **if application of the deduction to the first installment would delay the delivery of tax statements more than thirty (30) days after the date that the tax statements would otherwise be mailed or transmitted, may issue revised tax statements and apply the entire deduction to the property tax due in a later installment.**

IC 6-1.1-22.5-6 does not apply if the county auditor elects to proceed under subdivision (2). The department of local government finance may prescribe procedures to apply deductions claimed under subsection (b) to tax statements. A county auditor shall comply with the procedures prescribed under this subsection.

(d) **If a county auditor applies deductions claimed under subsection (b) by mailing or transmitting a revised tax statement under subsection (c)(2), the county auditor shall prominently include an instruction in the tax statement or on a separate insert included with the tax statement that assists the recipient of the statement in discovering that the amount payable in the second installment is less than the amount specified in the previous tax statement sent to the recipient and alerts the recipient not to make a payment that exceeds the amount due.**

(e) This SECTION expires January 1, 2008."

Re-number all SECTIONS consecutively.

(Reference is to ESB 416 as printed March 13, 2007.)

BUELL

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 450

Representative Stemler called down Engrossed Senate Bill 450 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 489

Representative Welch called down Engrossed Senate Bill 489 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 502

Representative Kuzman called down Engrossed Senate Bill 502 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 502-1)

Mr. Speaker: I move that Engrossed Bill 502 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE JANUARY 1, 2008]".

Page 1, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 2. IC 6-2.5-1-20.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 20.3. "Intrastate telecommunications service" means a telecommunications service that originates in a particular state, territory, or possession of the United States and terminates in that same state, territory, or possession.**

SECTION 3. IC 6-2.5-1-22.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 22.3. "Prepaid calling service" has the meaning set forth in IC 6-2.5-12-11.**

SECTION 4. IC 6-2.5-1-22.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 22.4. "Prepaid wireless calling service" means a telecommunications service that:**

(1) **provides the right to use mobile wireless service as well as other non-telecommunications services, including:**

(A) **the download of digital products delivered electronically; and**

(B) **content and ancillary services;**

(2) **must be paid for in advance; and**

(3) **is sold in predetermined units or dollars of which the number declines with use in a known amount."**

Page 2, line 13, delete "customer's" and insert "customer's".

Page 2, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 6. IC 6-2.5-1-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 29. "Value added non-voice data service" means a service that otherwise meets the definition of telecommunications services in which computer processing applications are used to act on the form, content, code, or protocol of the information or data primarily for a purpose other than transmission, conveyance, or routing."**

Page 3, line 16, strike "using a".

Page 3, strike line 17.

Page 3, line 18, strike "number" and insert **"providing prepaid calling services or prepaid wireless calling services in a retail transaction to customers who access the services through the use of an access or authorization number or card as"**.

Page 3, line 19, strike "telecommunications" and insert

"wireless".

Page 3, line 23, delete "telecommunications services" and insert "value added non-voice data services in a retail transaction to a customer.".

Page 3, delete lines 24 through 31.

Page 3, line 34, after "services" insert ", ancillary services, Internet access, audio services, or video services that are".

Page 3, line 36, after "services" insert ", ancillary services, Internet access, audio services, or video services".

Page 6, line 19, delete "purchaser's" and insert "purchaser's".

Page 6, line 39, delete "department's" and insert "department's".

Renumber all SECTIONS consecutively.

(Reference is to ESB 502 as printed March 13, 2007.)

KUZMAN

Motion prevailed.

HOUSE MOTION

(Amendment 502-2)

Mr. Speaker: I move that Engrossed Senate Bill 502 be amended to read as follows:

Page 13, line 4, delete "take" and insert "investigate".

Page 13, line 7, delete "As".

Page 13, delete lines 8 through 19.

Page 13, line 20, delete "(d)" and insert "(b)".

Page 13, line 22, delete "IC 5-14-6 identifying" and insert "IC 5-14-6:

(1) summarizing".

Page 13, line 25, delete "Compact." and insert "Compact;

(2) identifying what levels of membership, other than full membership, are available; and

(3) making a recommendation on whether Indiana should become a member of the Multistate Tax Commission and the Multistate Compact.".

(Reference is to ESB 502 as printed March 13, 2007.)

ESPICH

Motion prevailed.

HOUSE MOTION

(Amendment 502-3)

Mr. Speaker: I move that Engrossed Senate Bill 502 be amended to read as follows:

Page 12, after line 42, begin a new paragraph and insert:

"SECTION 13. IC 6-6-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]:

Chapter 12. Covered Aviation Fuel Excise Tax

Sec. 1. As used in this chapter, "commercial air carrier" means a person engaged in the business of providing air transportation for hire to people on regularly scheduled flights originating from Indiana.

Sec. 2. As used in this chapter, "covered aviation fuel" means fuel designed for use in a jet engine aircraft.

Sec. 3. As used in this chapter, "department" means the department of state revenue.

Sec. 4. An excise tax of five cents (\$0.05) per gallon of covered aviation fuel is imposed upon every gallon of covered aviation fuel sold in Indiana to a commercial air carrier.

Sec. 5. A retail dealer engaged in the sale of covered aviation fuel to commercial air carriers shall post in a place on the fixed base operator terminal, or on the outside housing of each pump or other dispensing device, the price of the covered aviation fuel, including a statement disclosing whether the stated price includes the tax imposed by section 4 of this chapter.

Sec. 6. A commercial air carrier that purchases covered aviation fuel is liable for the tax imposed by section 4 of this chapter and shall pay the tax to the retail dealer of covered aviation fuel as a separate added amount to the consideration in the transaction. The retail dealer shall collect the tax as

agent for the state.

Sec. 7. A retail dealer that collects the tax imposed by section 4 of this chapter shall remit the tax to the department in the manner and form prescribed by the department. The department shall transfer all taxes collected under this chapter to the treasurer of state for deposit in the supplemental education fund established by section 9 of this chapter.

Sec. 8. The department may adopt rules necessary to implement this chapter.

Sec. 9. (a) The supplemental education fund is established. The fund shall be administered by the treasurer of state.

(b) The fund consists of:

(1) the taxes collected under this chapter; and

(2) investment earnings, including interest, on money in the fund as provided in this section.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments must be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) Subject to appropriation by the general assembly, money in the fund must be used to support the education of students in kindergarten through grade 12.

SECTION 14. IC 6-8.1-1-1, AS AMENDED BY P.L.162-2006, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the river boat admissions tax (IC 4-33-12); the river boat wagering tax (IC 4-33-13); the gross income tax (IC 6-2.1) (repealed); the utility receipts and utility services use taxes (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the county adjusted gross income tax (IC 6-3.5-1.1); the county option income tax (IC 6-3.5-6); the county economic development income tax (IC 6-3.5-7); the municipal option income tax (IC 6-3.5-8); the auto rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the alternative fuel permit fee (IC 6-6-2.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); the commercial vehicle excise tax (IC 6-6-5.5); the hazardous waste disposal tax (IC 6-6-6.6); the covered aviation fuel excise tax (IC 6-6-12); the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil inspection fee (IC 16-44-2); the emergency and hazardous chemical inventory form fee (IC 6-6-10); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-30); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-30); the underground storage tank fee (IC 13-23); the solid waste management fee (IC 13-20-22); and any other tax or fee that the department is required to collect or administer.

SECTION 15. IC 24-5-24 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 24. Airline Tickets.

Sec. 1. (a) As used in this section, "terrorist threat" means a threat of a violent act or threat of an act that is dangerous to human life, that is a violation of the criminal laws of this state or of the United States, and is intended to:

- (1) intimidate, injure, or coerce a civilian population;
- (2) influence the policy of a government by intimidation or coercion; or
- (3) affect the conduct of a government through:
 - (A) destruction of property;
 - (B) assassination;
 - (C) murder;
 - (D) kidnapping; or
 - (E) aircraft piracy.
- (b) If an airline cancels a flight or delays a flight by more than one (1) hour, the airline must honor the purchaser's ticket at a later date or reimburse the purchaser:
 - (1) the cost of the ticket; and
 - (2) pay the purchaser an amount equal to the airline's flight-change penalty fee.
- (c) Subsection (b) does not apply if the flight delay or cancellation is caused by any of the following:
 - (1) Inclement weather.
 - (2) An immediate terrorist threat.
 - (3) International conditions that are not related to terrorism, including:
 - (A) riots;
 - (B) civil unrest;
 - (C) embargoes; or
 - (D) war.
 - (4) Any other condition outside the control of the airline.
- (d) In addition to any other penalties or remedies provided by law, a person aggrieved by a knowing and willful violation of this section may bring a civil action in a court of competent jurisdiction against the airline for the recovery of:
 - (1) reimbursement for the ticket;
 - (2) payment of the flight-change fee;
 - (3) actual and consequential damages;
 - (4) court costs; and
 - (5) reasonable attorney's fees.
- (e) An airline that knowingly violates this section two (2) or more times within a calendar year commits a Class C misdemeanor.

Sec. 2. (a) There is no expiration date for an airline ticket issued anywhere in the world for an airline flight originating in this state.

(b) If the airline ticket is non-refundable and the ticket purchaser is unable to use the ticket, the airline must allow the ticket to be transferred to another person. The airline may charge the purchaser a processing fee of the lesser of:

- (1) twenty five percent (25%) of the original price of the ticket; or
- (2) fifty dollars (\$50).

(c) A ticket purchaser may not transfer a ticket if the ticket purchaser missed the flight due to the fault of the purchaser."

Page 13, between lines 25 and 26, begin a new paragraph and insert:

"SECTION. 17. [EFFECTIVE UPON PASSAGE] (a) The definitions set forth in IC 6-6-12, as added by this act, apply throughout this SECTION.

(b) IC 6-6-12, as added by this act, applies to covered aviation fuel sold in Indiana to commercial air carriers after December 31, 2007.

(c) The department of state revenue may take any action necessary before January 1, 2008, that the department determines is necessary to implement IC 6-6-12, as added by this act.

SECTION 18. IC 24-5-24-1(e), as added by this act, applies not to offenses committed after June 30, 2007."

Renummer all SECTIONS consecutively.

(Reference is to ESB 502 as printed March 13, 2007.)

WHETSTONE

After discussion, Representative Whetstone withdrew the

motion.

There being no further amendments, the bill was ordered engrossed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bill 435 had been referred to the Committee on Ways and Means.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 10, Roll Call 354, on March 13, 2007. In support of this petition, I submit the following reason:

"I was present in the Chamber, but when I attempted to vote, the machine had closed. I intended to vote yeas."

L. LAWSON

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 354 to 78 yeas, 18 nays.*]

HOUSE MOTION

Mr. Speaker: I move that Representative Pond added as cosponsor of Engrossed Senate Bill 9.

KUZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kuzman be removed as sponsor and Representative Moses be substituted as sponsor of Engrossed Senate Bill 9.

KUZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch added as cosponsor of Engrossed Senate Bill 96.

NIEZGODSKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch added as cosponsor of Engrossed Senate Bill 106.

RESKE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hoy be removed as sponsor, Representative Foley be removed as cosponsor, and Representative Foley be substituted as sponsor of Engrossed Senate Bill 173.

HOY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Frizzell be removed as cosponsor of Engrossed Senate Bill 208.

C. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pond added as cosponsor of Engrossed Senate Bill 358.

MOSES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Wolkins be removed as sponsor, Representative L. Lawson be substituted as sponsor, and Representative Wolkins added as cosponsor of Engrossed Senate Bill 561.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Tinchler be removed as sponsor and Representative Kuzman be substituted as sponsor

of Engrossed Senate Bill 568.

TINCHER

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Stemler, the House adjourned at 1:55 p.m., this fifteenth day of March, 2007, until Monday, March 19, 2007, at 1:00 p.m.

B. PATRICK BAUER

Speaker of the House of Representatives

CLINTON McKAY

Principal Clerk of the House of Representatives